

- (17) "Treasury" means a treasury or sub-treasury of the Government of Himachal Pradesh or a bank to which the business of such treasury or sub-treasury has been made over.
- (18) Words and expressions used but not defined in these Rules shall have the meaning assigned to them in the Act.

PART II

Electoral
roll for
every Con-
stituency.

3. For each constituency of a Committee there shall be an electoral roll which shall be prepared in the manner specified in rules 4 to 17 by the Deputy Commissioner under the superintendence, direction and control of the Director of Elections Local Bodies:

Provided that nothing in this rule shall prevent the use of the relevant part of the current electoral rolls of an assembly constituency for the preparation of draft rolls for the Municipal Elections:

Provided further that the revision preparation of rolls shall be taken as and when so directed by the Director of Elections Local Bodies.

Prepara-
tion of
rolls.

4. (1) When a direction is given under the proviso of rule 3, the Deputy Commissioner shall, under the superintendence of the Director of Elections (Local Bodies), cause to be prepared a roll for each constituency of the Municipality in accordance with these rules.

(2) The rolls shall be prepared in such form and in such language or languages as the State Government or the Director of Elections (Local Bodies) may direct.

Disqua-
lification
for registra-
tion in roll.

5. A person shall be disqualified for registration in a roll, if he—

- (a) is not a citizen of India; or
- (b) is of unsound mind, and stands so declared by a competent court; or
- (c) is for the time being disqualified for voting under the laws relating to corrupt and illegal practices and other offences in connection with Municipal Election/Assembly Election/Parliamentary election.

No person to
be registered
in more than
one consti-
tuency.

6. No person shall be entitled to be registered in the roll for more than one constituency, and no person shall be entitled to be registered in the roll for any constituency more than once.

Conditions
of registra-
tion.

7. (1) Subject to the foregoing provisions, every person who—
(a) is not less than 21 years of age on the qualifying date; and
(b) is ordinarily resident in a constituency;
shall be entitled to be registered in the roll for that constituency.

(2) A person shall not be deemed to be ordinarily resident in a constituency on the ground that he merely owns, or is in possession of, a dwelling house therein. A person absenting himself temporarily from his ordinary residence shall not by reason thereof cease to be ordinarily resident therein.

Explanation.—'Qualifying date' in relation to the preparation or revision of electoral roll means the 1st day of January of the year in which it is so prepared or revised.

8. As soon as the roll of a constituency is ready, the Deputy Commissioner shall publish it in draft together with a notice in Form I intimating the date by which objection or claims with regard to the roll may be presented and Revising Authority or Authorities to whom they may be presented. A copy of the notice shall be pasted at the office of the Deputy Commissioner, at the office of the Municipal Committee and at such other place(s) as the Deputy Commissioner may determine. A copy of the draft electoral roll shall be made available for inspection in the office of the Deputy Commissioner and the Municipal Committee office.

Prelimi-
publicat
of roll.

9. Every claim for the inclusion of a name in the roll and every objections to an entry therein shall be lodged within a period of 15 days from the date of publication of the roll in draft under rule 8; or such shorter period as may be fixed by the Director of Elections, Local Bodies in this behalf:

Period
lodging
claims
objecti.

Provided that the Director of Election Local Bodies may extend/reduce the period in respect of the Committee as a whole or in respect of any constituency or part thereof.

10. The Deputy Commissioner may appoint any Magistrate of the first or second class to be a Revising Authority for the purpose of hearing claims and objections relating to roll, and may specify the constituency or constituencies for which he shall be the Revising Authority.

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11. (1) A claim or objection shall be addressed to the Revising Authority specified in the notice referred to in rule 8 and shall be presented to that authority or be sent by registered post to that authority. Every claim for inclusion of names, objection to the inclusion of the name and objection to the particulars in an entry shall be in Form 2, 3 and 4 respectively and shall be in duplicate in case of objection to the inclusion of name.

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(2) A claim shall be signed by the person desiring his name to be included in the roll and countersigned by another person whose name is already included in that roll in which the claimant desires his name to be included and shall, unless sent by post, be presented by the claimant himself or by an agent authorised by him in writing in this behalf.

(3) No person shall prefer an objection to the inclusion of any name in the roll unless his name is already included in that roll.

(4) When objection is made to the inclusion in the roll of any person whose name appears therein, duly signed by the objector and countersigned by another person whose name is already included in that roll in which the name objected to appears or to any particular or particulars in an entry in the roll, such objection shall contain in respect of such person or entry, as the case may be, all the particulars entered in the roll.

(5) The Revising Authority shall maintain a register of claims in Form 5, register of objections in Form 6 and register of objection to the particulars in an entry in Form 7, in which he shall cause to be entered at the time of its receipt particulars of every claim or objection, as the case may be, received.

(6) Any claim or objection which is not lodged within the period prescribed by the Deputy Commissioner in the notice published with the roll under rule 8, or in the manner therein specified, or is lodged by a person not entitled to lodge the same, shall be rejected and the decision shall also be recorded in the register prepared in Form 5 or 6 as the case may be.

12. (1) Where a claim or objection is not rejected under sub-rule (6) of rule 11, the Revising Authority shall cause one copy of the objection served on the person to whom objection is taken; provided that if an objection or

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objec

claim is presented by a person from whom he is not authorised to receive it under rule 10, he shall return it to the person presenting it for presentation to the appropriate Revising Authority and, when period prescribed for the presentation of claims and objections has expired, he shall forthwith post at his office in Forms 8, 9 and 10 a list of all claims and objections received together with a notice showing the date on which and the place at which such claims and objections will be heard.

(2) Every claimant, objector to the inclusion of the name and the objector relating to certain particular entry shall be given notice of place, date and time of hearing such claim and objection and shall further be asked to adduce evidence; in Forms, 11, 12 and 14 as the case may be.

(3) A person against whom objection has been received by the Revising Authority for inclusion or deletion of his name in/from the roll shall also be given notice in Form 13 of the place, date and time fixed for the decision of the objection pertaining to him, at his last available place, to be present with such evidence as he wants to adduce for his defence.

13. (1) On the date and at the place fixed under the provisions of rule 12, the Revising Authority shall hear and decide the claims and objections under the provisions of these rules. He shall dismiss any case in which the claimant or objector is not present or is not represented and after hearing the parties concerned or their authorised agent and, in the case of a claim any person who objects to the admission of such claim, and such evidence as may be produced and may to him appear necessary, shall reject any claim or objection which does not comply with any of the provisions of sub-rules (1), (2), (3) or (4) of rule 11 and shall pass such orders in any other case as he may deem fit.

(2) No appeal shall lie from the order of a Revising Authority passed under the provisions of sub-rule (1) but any person aggrieved by any such order may, within three days from the date of the order apply to the Deputy Commissioner, for revision and the Deputy Commissioner may, as far as practicable within a week, confirm such order, or set it aside or pass such other order with respect to the claim or objection as he may deem fit.

(3) The order passed by the Revising Authority under sub-rule (1) or by the Deputy Commissioner under sub-rule (2), as the case may be, shall be final and shall be recorded in the register in Form 5 or 6 as the case may be.

14. (1) A Revising Authority, as soon as he has disposed of all the claims and objections presented to him, shall forward the same along with the register of such claims and objections and the orders passed by him thereon to the Deputy Commissioner, who shall cause the rolls to be corrected in accordance with the orders passed by the Revising Authority or by him in revision under sub-rule (2) of rule 13, as the case may be, and shall republish the roll so corrected or if he deems fit, shall republish the preliminary roll published under rule 8 together with a list of additions and corrections prepared in accordance with the said orders along with a notice in Form 15.

(2) Any roll republished under the provisions of sub-rule (1) with or without a list of additions and corrections as the case may be shall be finally published roll and shall come into force from the date of such republication, and, shall if directed by the Director of Elections (Local Bodies) thereafter be revised in every subsequent year in the aforesaid manner:

Provided that if for any reason the electoral roll is not revised in any year the validity or continued operation of the electoral roll shall not, thereby be affected.

15. Notwithstanding anything contained in sub-rule (2) of rule 14 the Government may at any time for reasons to be recorded, direct a special revision of the electoral roll for any constituency or part of a constituency in such manner as it may think fit:

Special revision of electoral rolls.

Provided that subject to the other provisions of these rules, the electoral roll for the constituency as in force at the time of the issue of any such direction shall continue to be in force until the completion of the special revision so directed.

16. (1) The roll for every constituency shall be revised under sub-rule (2) of rule 14 either intensively or summarily or partly intensively and partly summarily as the Director of Elections (Local Bodies) may direct.

Annual revision of rolls.

(2) Where the roll or any part thereof is to be revised intensively in any year it shall be prepared afresh and rule 4 to 14 shall apply in relation to such revision as they apply in relation to first preparation of a roll.

(3) When the roll or any part thereof is to be revised summarily in any year, the Revising Authority shall cause to be prepared a list of amendments to the relevant parts of the roll on the basis of such information as may be readily available and publish the roll together with the list of amendments in draft; and the provisions of rules 8 to 14 shall apply in relation to such revision as they apply in relation to the first preparation of a roll.

(4) Where at any time between the publication of draft of the revised roll under sub-rule (2) or of the roll and list of amendments under sub-rule (3) and the final publication of the same under rule 14 any names have been directed to be included in the roll for the time being in force under rule 18, the Revising Authority shall cause the name to be included also in the revised roll unless there is in his opinion, any valid objection to such inclusion.

17. The Deputy Commissioner on application made to him in Forms 2, 4 and 16 for inclusion, correction and deletion, as the case may be, of any existing entry in the roll of any constituency shall, if he is satisfied after such enquiry, as he thinks fit, that the entry relates to the applicant and is erroneous and defective in any particular, amend the entry accordingly.

Correction of errors in roll.

18. (1) Any person whose name is not included in the roll of a constituency as finally published under rule 14, may apply in the manner herein-after provided for the inclusion of his name in that roll.

Inclusion names in the roll finally published.

(2) An application under sub-rule (1) shall be made to the Deputy Commissioner; provided that if such an application is made at any time after the publication of the election programme under rule 32, it shall be made to the Director of Elections (Local Bodies), Himachal Pradesh, not later than five days before the last date fixed under rule 33 for the filling of nomination papers.

(3) Every application under sub-rule (1) shall be made in duplicate in Form 2 and shall be accompanied—

(a) where it is made to the Director of Elections (Local Bodies), Himachal Pradesh, by a fee of five rupees; and

(b) where it is made to the Deputy Commissioner, by a fee of one rupee.

(4) The fee specified in sub-rule (3) shall be paid by means of non-judicial stamps and shall not be refundable.

(5) The Director of Elections (Local Bodies), Himachal Pradesh, or the Deputy Commissioner, as the case may be, shall immediately on receipt of such application, direct that one copy thereof be pasted in some conspicuous place in his office together with a notice inviting objections to such application within a period of four days from the date of such posting.

(6) The Director of Elections (Local Bodies), Himachal Pradesh or the Deputy Commissioner, as the case may be shall, as soon as may be after the expiry of the period specified in sub-rule (5), consider the objections, if any, received by him and shall, if satisfied that the applicant is entitled to be registered in the roll, direct his name to be included therein:

Provided that if the applicant is registered in the roll of any other constituency, the Deputy Commissioner or the Director of Elections (Local Bodies), Himachal Pradesh, as the case may be, shall, in form the Deputy Commissioner concerned and that officer shall, on receipt of such information strike off the applicant's name from that roll.

(7) Where an application made under this rule is rejected, an appeal shall lie, within a period of fifteen days from the date of rejection of the application for the inclusion of names to:—

- (a) the Director of Elections (Local Bodies), Himachal Pradesh, where the application is rejected by the Deputy Commissioner; and
- (b) the State Government where the application is rejected by the Director of Elections (Local Bodies), Himachal Pradesh.

(8) Every appeal under sub-rule (7) shall be accompanied by a fee of five rupees to be paid in non-Judicial stamps, which shall in no case be refunded.

Custody
and preservation
of rolls and
connected
papers.

19. (1) After the roll for a constituency has been finally published the following papers shall be kept in the office of the Deputy Commissioner or at such place as the Director of Elections (Local Bodies), Himachal Pradesh, may by order specify until the said roll remains in force—

- (a) complete spare copies of the roll;
- (b) all claims and objections to the draft roll;
- (c) all applications submitted to the Revising Authority under rule 11;
- (d) all applications submitted to the Deputy Commissioner or the Director of Elections (Local Bodies) under sub-rule (2) of rule 18; and
- (e) all decisions and directions of the Revising Authority.

(2) One complete copy of the roll for each constituency duly authenticated by the Deputy Commissioner shall also be kept in such place as the Director of Elections (Local Bodies), Himachal Pradesh, may specify for a period of four years from the date of its final publication.

Inspection
of rolls and
connected
papers.

20. Every person shall have the right to inspect the election papers referred to in rule 19 and to get attested copies thereof on payment of such fees as may be fixed by the Director of Elections (Local Bodies), Himachal Pradesh.

Disposal of
rolls and
connected
papers.

21. The papers referred to in rule 19 shall, on the expiry of the period specified therein be disposed of in such manner as the Director of Elections (Local Bodies), Himachal Pradesh, in consultation with the State Government, may direct.

PART III

22. If on account of illness, absence from headquarters or any other reason the Deputy Commissioner is unable to perform any or all of his functions under these rules, he may by order in writing appoint any officer to perform any or all of his functions on his behalf.

Appointment of officers to perform the functions of Deputy Commissioner. Duties of the Deputy Commissioner.

23. It shall be the general duty of the Deputy Commissioner to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by these rules or order made thereunder.

Polling Stations for constituencies.

24. The Deputy Commissioner shall select such number of polling stations as he may deem necessary and shall on the date specified under rule 32 in this behalf post at his office and at the office of the committee a list showing the polling stations so selected, the polling area for which each such station has been selected and the hours during which each such station shall remain open for the recording of votes, and no person shall be permitted to record his vote except at the polling station of the area to which according to the roll he belongs and within the period for which the polling station remains open:

Provided that no polling station should be located in police stations, hospitals, temples and places having religious significance:

Provided further that as far as possible the polling stations should be located in the Government and semi-Government buildings and in case no such building is available, the polling station should be located in a temporary structure.

25. (1) The Deputy Commissioner shall appoint a Presiding Officer and such Polling Officer or Officers as he thinks necessary, but he shall not appoint any person who has been employed by, or on behalf of, or has been otherwise working for, a candidate in or about the election:

Presiding Officers for Polling Stations.

Provided that if a polling officer is absent from polling station, the Presiding Officer may appoint any person who is present at the polling station other than a person who has been employed by or on behalf of, or has otherwise been working for, a candidate in or about the election, to be the polling officer during the absence of the former officer, and inform the Deputy Commissioner accordingly.

(2) If the presiding officer is, owing to illness or other unavoidable cause, absent from the polling station, his functions shall be performed by such polling officer as has been previously authorised by the Deputy Commissioner to perform such functions during any such absence.

26. The Presiding Officer shall, besides performing any other duties imposed upon him by these rules, be in general charge of all arrangements at the polling station and may issue orders as to the manner in which persons shall be admitted to the polling station and generally for the preservation of peace and orders at or in the vicinity of the polling station.

General duties of the Presiding Officer.

27. Subject to the provisions of the Act, the term of office of a member of a committee shall be three years from the date of the first meeting is convened under rule 28.

Term of office of members.

28. (1) The Deputy Commissioner or any gazetted officer appointed by him in this behalf shall, within a period of fourteen days of the date of the notification of the appointment and election of the members of such

Convening by Deputy Commissioner.

sioner of first meeting of newly constituted committee and of meeting in other cases.

committee fix at forty-eight hour's notice, a date for the first meeting of a newly constituted committee, stating in such notice that at such meeting the oath of allegiance will be administered under section 23(1) of the Act to the members present, and that the President/Vice-President or Vice-Presidents will be elected, the aforementioned officer presiding over such meeting until after the election of the Presidents and Vice-Presidents; and such meeting shall be deemed to be a validly convened meeting of the committee notwithstanding anything contained in any bye-laws made under the provisions of section 30 (1) of the Act, and the administration of the oath of allegiance and the election of the President and Vice-President or Vice-Presidents shall be recorded as part of the proceedings in the minutes of the meeting.

(2) The oath of allegiance shall be administered to any member of a newly-constituted committee who was not present at the meeting convened under the provisions of sub-rule (1) or to a member elected or appointed to fill a casual vacancy by the Chairman of the meeting at which such member appears to take such oath.

(3) The Deputy Commissioner may in the absence of illness both of the President and Vice-President or Vice-Presidents or if the offices of the President or Vice-Presidents are vacant, convene a meeting of the committee and the members present thereat shall elect a member to be Chairman of the meeting and may transact any business at such meeting, which shall be deemed to be a validly convened meeting of the committee notwithstanding anything contained in any bye-law made under the provisions of section 30 of the Act.

No person to vote in more than one constituency or to stand for election in more than one committee.

29. No person shall vote in more than one constituency or stand for election in more than one local authority and in case of his voting and standing otherwise his votes or candidatures, as the case may be, shall be void.

Explanation.—In this rule the expression "local authority" shall mean a Municipal Committee or a Notified Area Committee.

Qualifications of Voters.

30. Subject to the provisions of rule 3, no person shall be entitled to vote unless the name of such person is included in the electoral rolls prepared under rules 4 to 17 in relation to the constituency concerned:

Provided that no person shall be qualified for voting if he has been convicted of an offence punishable with imprisonment under section 171-E and 171-F of the Indian Penal Code (Act XLV of 1860), unless a period of sixty years has elapsed from the date of the conviction or the State Government has, for reasons to be recorded in writing, removed such restriction in any particular case.

Disqualification for membership.

31. No person shall be eligible for election as a member of a Municipal Committee, who—

- (a) is not a qualified voter for any constituency of the Municipal Committee under rule 30 and has not attained the age of 25 years; or
- (b) in the case of a seat reserved for the scheduled castes or scheduled tribes is not a member of any of the Scheduled Castes or Scheduled tribes specified under article 341 and 342 of the Constitution in relation to Himachal Pradesh; or

- (c) is under contract for work to be done or for goods to be supplied to the Municipal Committee; or
- (d) received any remuneration out of the Municipal Committee funds for services rendered to the Municipal Committee; or
- (e) has, within five years from the date fixed for the nomination of candidates under the provisions of rule 33 been prescribed from Government employment; or
- (f) has, at any time within five years from the date specified for the nomination of candidates under the provisions of rule 33 been serving a sentence of imprisonment for not less than two years; or
- (g) is an undischarged insolvent or is in arrears of any kind due from him otherwise than as a trustee to the Committee when a special demand in this behalf has been served upon him by the Committee; or
- (h) is a whole-time salaried official in the service of any Municipal Corporation, Committee, Town Committee, Notified Area Committee or Cantonment Board; or holds any office of profit under the Government of India or the Government of any State other than an office declared by law not to disqualify its holder for being chosen as and for being a member of the Himachal Pradesh Legislative Assembly or of the Parliament; or
- (i) who is disqualified for such membership as a result of his election having been set aside under these rules; or
- (j) is disqualified for membership of any Municipal or Town or Notified Area Committee or Cantonment Board, as a result of removal from such Committee or Board or as a result of his election for membership of such Committee or Board having been declared void for corrupt practices; or
- (k) has at any time within five years from the date fixed for the nomination of candidates under the provisions of rule 33 been convicted of an offence under section 171-E or 171-F of the Indian Penal Code, or having been disqualified from exercising any electoral right for a period of not less than five years in connection with an election of the Legislative Assembly of Himachal Pradesh or of the Parliament is, on the said date of nomination, still subject to the disqualification:

Provided that the State Government may exempt any person or class of persons from the disqualification contained in clauses (c), (d), (e), (f), (g), (i) or (j) except in case of disqualification as a result of removal from membership of any Municipal or Town or Notified Area Committee or Cantonment Board, of this sub-rule:

Provided further that nothing contained in (d) shall debar a person, who receives as President, salary sanctioned by the State Government under section 52 of the Act from standing for election or re-election as a member of the Committee.

PART IV

32. (1) The Deputy Commissioner shall frame a programme for general elections hereinafter referred to as the "election programme" of the Municipal Committee.

(2) The election programme shall specify the date or dates on/by or within which—

- (i) the nomination papers shall be presented;

General elections to be held on dates fixed by the Deputy Commissioner.

- (ii) the nomination papers shall be scrutinised;
- (iii) a candidate may withdraw his candidature;
- (iv) the list of contesting candidates shall be affixed;
- (v) the list of polling stations shall be posted;
- (vi) the poll shall be held from....A.M. to....P.M. (the hours of poll shall not be less than 8 hours);
- (vii) the ballot papers shall be counted (here time and place fixed for the purpose, shall also be specified); and
- (viii) the result of election shall be declared.

(3) The election programme shall be published not less than ten days before the first of the dates specified in the election programme, by posting a copy at the office of the Deputy Commissioner; at the office concerned of the Municipal Committee; and at other conspicuous places in the said Municipality as may be determined by the Deputy Commissioner in this behalf.

(4) The period for filing of nomination papers shall not be allowed for more than three days and the date of scrutiny shall be the next working day from the last date of filing of nomination papers. The date of withdrawal shall be the third day from the date of scrutiny. The date for affixing the list of contesting candidates shall be the same as fixed for the withdrawal of candidature. The list of polling stations shall be published immediately after the date of withdrawal. The gap between the date of withdrawal and the date of poll shall be 15 days and the date of poll shall preferably be Sunday or any gazetted holiday:

Provided that, no nomination paper or withdrawal application shall be delivered on a day which is a public holiday.

(5) The State Government or the Director of Elections (Local Bodies), or the Deputy Commissioner may by an order amend, vary or modify the election programme at any time:

Provided that, unless the State Government otherwise directs, no such order shall be deemed to invalidate any proceedings taken before the date of the order.

33. The Deputy Commissioner shall, by notice in Form 17 to be affixed at his office and at the office of the Committee, and at such other places as the Deputy Commissioner may determine—

- (a) Invite nomination papers of candidates for election;
- (b) fix the date, time and place where and when the nomination papers shall be submitted;
- (c) specify the authority to whom nomination papers shall be submitted;
- (d) fix the date and time and place for the scrutiny of nomination papers of candidates;
- (e) fix the date, time and place for the receipt of notice of withdrawal;
- (f) fix the date, time and place for the allotment of symbol; and
- (g) fix the date and time of poll.

Explanation.—The dates fixed under sub-rules (b), (d), (e) and (g) shall be the same as specified under rule 32 in this behalf.

34. (1) The State Government shall specify by notification in the official Gazette the symbols that may be chosen by candidates and the restrictions to which their choice shall be subject.

Dates to be fixed for nomination of candidates and scrutiny of nominations.

Symbols.

(2) Where at any such election, more nomination papers than one are delivered by or on behalf of a candidate, the declaration as to symbols, made in the nomination paper first delivered, and no other declaration as to symbols, shall be taken into consideration under rule 41 even if that nomination has been rejected.

(3) A failure to complete, or a defect in completing the declaration as to symbols in a nomination paper shall not be deemed to be a defect of a substantial character within the meaning of sub-rule (4) of rule 38.

35. (1) Any person may be nominated as a candidate for election to fill a seat if he is not ineligible for membership of the Committee under the provisions of rule 31 or any other rule or of the Act or of any other Act.

Nominat
of candi
dates for
election.

(2) On or before the date appointed under clause (a) of rule 33 each candidate shall either in person or by his proposer, between the hours of 11 O'clock in the forenoon and 3 O'clock in the afternoon deliver to the authority specified in this behalf under clause (c) of rule 33 a nomination paper completed in Form 18 and signed by the candidate and by an elector of the constituency as proposer.

(3) In a constituency where any seat is reserved for Scheduled Castes/ Scheduled Tribes, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular caste/tribe of which he is a member and the same has been verified by the authority prescribed for the purpose.

(4) On the presentation of a nomination paper, the Deputy Commissioner shall satisfy himself that the names and electoral roll numbers of the candidates and his proposer as entered in the nomination paper are the same as those entered in the electoral roll:

Provided that not more than four nomination papers shall be presented by or on behalf of any candidate or accepted for election in the same constituency:

Provided further that the Deputy Commissioner shall permit any clerical or technical error in the nomination paper in regard to the said names or number to be corrected in order to bring them into conformity with the corresponding entries in the electoral roll, and where necessary, direct that any clerical or printing error in the said entries shall be overlooked.

36. (1) A candidate shall not be deemed to be duly nominated unless he deposits or causes to be deposited a sum of one hundred and fifty rupees:

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Deposit*

Provided that where the candidate is a member of the Scheduled Castes/ Scheduled Tribes the amount to be deposited by him or on his behalf shall be rupees seventy-five:

Provided further that where a candidate has been nominated by more than one nomination paper for election in the same constituency not more than one deposit shall be required of him under this rule.

(2) Any sum required to be deposited under sub-rule (1) shall not be deemed to have been deposited under that sub-rule unless at the time of delivery of the nomination paper under sub-rule (2) of rule 35 the candidate has either deposited or caused to be deposited that sum with the Deputy Commissioner in cash or enclosed with nomination paper a receipt showing that the said sum has been deposited by him or on his behalf in a Government treasury.

(3) If a candidate by whom or on whose behalf the deposit has been

made withdraws his candidature within the time specified in rule (2) of rule 32 or if the nomination of any such candidate is rejected, the deposit shall be returned to the person by whom it was made or if such person is dead, to his legal representative after the date of declaration of result of election.

(4) If a contesting candidate is not elected and the number of valid votes polled by him does not exceed one-sixth of the total number of valid votes polled, the deposit shall be forfeited to the Himachal Pradesh Government.

(5) The deposit shall, where it is not forfeited under sub-rule (4), be returned to the candidate by whom it was made or if he is dead, to his legal representatives, after the notification of the result of the election is issued.

37. The Deputy Commissioner shall on receiving the nomination paper under sub-rule (2) of rule 35 shall enter on the nomination paper its serial number and shall sign thereon a certificate stating the date on which, and the hour at which, the nomination paper has been delivered to him and shall on the date fixed under rule 32, cause to be affixed in some conspicuous place in his office and at the office of the Committee concerned, a notice of the nominations containing descriptions similar to those contained in the nomination paper both of the candidate and his proposer in Form 18.

38. (1) On the date fixed for the scrutiny of nominations under rule 33 the candidates and two other persons duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Deputy Commissioner may appoint, and the Deputy Commissioner shall give them all reasonable facilities for examining the nomination papers of all the candidates which have been delivered within the time and in the manner laid down in rule 35.

(2) The Deputy Commissioner shall then examine the nomination papers and decide all objections which may be made to any nomination and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds, namely:—

- (a) that on the date fixed for the scrutiny of nomination the candidate either is not qualified or is disqualified for being chosen to fill the seat under the provisions of rule 31 or of any other rules or of the Act or of any other Acts for the time being in force; or
- (b) that there has been any failure to comply with any of the provisions of rule 35 or rule 36; or
- (c) that the signature of the candidate or the proposer on the nomination paper is not genuine.

(3) Nothing contained in clause (b) or clause (c) or sub-rule (2) shall be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The Deputy Commissioner shall not reject any nomination paper on the ground of any defect which is not of a substantial character.

(5) The Deputy Commissioner shall hold the scrutiny on the date appointed in this behalf under clause (d) of rule 33 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot, open violence or by causes beyond his control:

No. of
nominations to be
affixed.

Scrutiny of
nominations.

Provided that in case an objection is raised by the Deputy Commissioner or is made by any other persons the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny; and the Deputy Commissioner shall record his decision on the date to which the proceedings have been adjourned.

(6) The Deputy Commissioner shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(7) For the purposes of this rule, an entry in the electoral roll for the time being in force of a constituency shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that constituency.

(8) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Deputy Commissioner shall prepare in Form 20 a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid and affix it to his notice board.

39. (1) Any candidate may withdraw his candidature by notice in writing in Form 21 subscribed by him and delivered to the Deputy Commissioner or other person authorised by the Deputy Commissioner to receive such notices before 3 O'clock of the afternoon on the date specified under rule 32 in this behalf, and no person who has thus withdrawn his candidature shall be allowed to cancel his notice of withdrawal.

Withdraw
of candi-
ture.

(2) Upon receiving such a notice of withdrawal of candidature, the Deputy Commissioner shall cause a notice to this effect to be affixed in some conspicuous place in his office and also in the office of the Committee concerned in Form 22.

40. (1) On completion of the scrutiny of nominations and after the expiry of the period within which candidatures may be withdrawn under rule 39, the Deputy Commissioner shall forthwith prepare a list of contesting candidates in Hindi in Form 23 and cause it to be affixed at some conspicuous place in his office and at the office of the Committee concerned.

List of c
testing c
didates.

(2) The said list shall contain in Hindi in Devnagri Script the names in alphabetical order and the addresses of the contesting candidates as given in the nomination paper.

41. (1) If in any constituency the number of contesting candidates exceeds the number of seats to be filled, the Deputy Commissioner shall, before preparing a list of contesting candidates under rule 40 consider the choice as respects symbols expressed by candidates in the declaration referred to in rule 34 delivered by them along with their nomination papers, and shall subject to any general or special directions issued in this behalf by the State Government assign a different symbol to each candidate in conformity, as far as practicable, with his choice as given in the first nomination of the candidates. If more candidates than one indicate their preferences for the same symbol, the Deputy Commissioner shall decide by lot to which of these candidates the symbol will be assigned. The decision of the Deputy Commissioner in assigning any symbol to a candidate under this rule shall be final.

Assign
of symt
to conc
tes.

(2) In every case where a symbol has been assigned to a candidate under

sub-rule (1), such candidate or his agent shall forthwith be informed of the symbol so assigned and be supplied with a specimen thereof by the Deputy Commissioner. In that event the list of contesting candidates shall also contain symbols allotted to each candidate.

42. (1) The number of polling agents that may be appointed shall be one agent of each contesting candidate.

(2) Every such appointment shall be made in Form 24 and shall be made over to the polling agent for production at the polling station or the place fixed for the poll, as the case may be.

(3) No polling agent shall be admitted into the polling station or the place fixed for the poll unless he has delivered to the presiding officer the instrument of his appointment under sub-rule (2) after duly completing and signing before the presiding officer the declaration contained therein.

43. Where any act or thing is required or authorised by these rules to be done in the presence of agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

44. If a candidate whose nomination has been found valid on scrutiny under rule 38 and who has not withdrawn his candidature under rule 39 dies and a report of his death is received before the publication of the list of contesting candidates under rule 40, or if a contesting candidate dies and a report of his death is received before the commencement of the poll, the returning officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Director of Elections (Local Bodies), Himachal Pradesh and all proceedings with reference to the election shall be commenced a new in all respects as if for a few election:

Provided that no further nomination shall be necessary in the case of a person who was a contesting candidate at the time of the countermanding of the poll:

~ Provided further that no person who has given a notice of withdrawal of his candidature under rule 39 before countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

45. (1) Subject to the provisions of rule 44, if the number of contesting candidates in any constituency is equal to the number of members to be elected for the constituency, the Deputy Commissioner shall forthwith declare such candidates duly elected to fill the seat/seats for such constituency and/constituencies such declaration will be in Form 25 and if the number of such candidates is less than the number of members to be elected, the Deputy Commissioner shall frame another programme under rule 32 for the election of the remaining members and if the number of contesting candidates for such further election is less than the number of members to be elected, the Deputy Commissioner shall report the matter to the State Government with a view to action being taken under clause (b) of section 13 of the Act.

(2) If the number of contesting candidates in any constituency is greater than the number of members to be elected for such constituency, a poll shall be taken on the date or dates specified under rule 32 in this behalf for the election.

7 46. The Deputy Commissioner shall fix the hours during which the poll will be taken and hours so fixed shall be mentioned in the Election Programme under rule 32 and notice under rule 33:

Provided that the total period allotted on any one day for polling at an election in a constituency shall not be less than 8 hours.

47. (1) If at an election the proceedings at any polling station are interrupted or obstructed by riot or open violence, or if at an election it is not possible to take the poll at any polling station on account of any natural calamity or any other sufficient cause, the presiding officer for such polling station shall announce an adjournment of the poll to a date to be notified later and shall forthwith inform the Deputy Commissioner concerned.

Adjourn-
ment of poll
in emergen-
cies.

(2) Where a poll is adjourned under sub-rule (1) the Deputy Commissioner shall immediately report the circumstances to the State Government and shall, as soon as may be, appoint the day on which the poll shall recommence and fix the polling station at which and the hours during which, the poll will be taken and the votes cast at such election shall not be counted until such adjourned poll is completed.

(3) In every such case as aforesaid, the Deputy Commissioner shall affix a notice specifying the date, place and hours of polling fixed under sub-rule (2), at his office and in the office of the Committee concerned.

48. (1) If at any election any ballot-box or boxes is or are unlawfully taken out of the custody of the presiding officer or is or are in any way tampered with, or is or are either accidentally or intentionally destroyed, lost or damaged the polling at that polling station or place to which such ballot-box or boxes relate shall be liable to be declared as void provided for the poll, as the case may be, at which such ballot-box or boxes was or were used and no further.

Fresh poll
in the case
of destruc-
tion etc. of
ballot-boxes.

(2) Whenever the polling at any polling station or stations or at the place fixed for the poll become liable to be declared as void under sub-rule (1), the presiding officer shall, as soon as practicable after the act or event causing such voidance has come to his knowledge, report the matter to the Deputy Commissioner, who in the event of his being so satisfied that in consequence thereof the result of the poll of that polling station can not be ascertained, declare the election void and shall appoint a day for the taking of fresh poll in such or every such polling stations or in such place fixed for the poll and the hours during which the poll will be taken and shall not count the votes cast at such election until such fresh poll has been completed.

(3) The provisions of these rules shall apply to every such fresh poll as they apply to the original poll.

49. No person shall vote in any constituency if he is subject to any of the disqualifications for registration in the electoral roll and only such persons who are for the time being entered in the electoral roll of any constituency shall be entitled to cast the votes in that constituency.

Right to
vote.

50. (1) At every election where a poll is taken votes shall be given by ballot and no votes shall be received by proxy.

Method of
voting.

(2) All electors voting at an election shall do so in person at the polling station provided for them under rule 24.

(3) No elector shall vote in the same constituency more than once notwithstanding that his name may have been registered in the electoral roll for that constituency more than once, and if he does so, all his votes in that constituency shall be void.

Procedure
on adjourn-
ment of
poll.

51. (1) If the poll at any polling station is adjourned under rule 47, the provisions of these rules shall, as far as practicable, apply to every such fresh poll as they apply to original poll.

(2) When an adjourned poll is recommenced under sub-rule (2) of rule 47, the electors who have already voted at the poll so adjourned shall not be allowed to vote again.

(3) The Deputy Commissioner shall provide the presiding officer of the polling station at which such adjourned poll is held with the sealed packets containing the marked copy of the electoral roll and a new ballot-box.

(4) The presiding officer shall open the sealed packets in the presence of such candidates or their agents as may be present and use the marked copy of the electoral roll for recording the serial numbers of ballot papers issued to electors at the adjourned poll.

Ballot-box
and prepa-
ration of it
for poll.

52. (1) Every ballot-box shall be of such design as may be used at an election to the Legislative Assembly of Himachal Pradesh.

(2) Where a paper seal is used for securing a ballot-box the presiding officer shall affix his own signature on the paper seal and obtain thereon the signatures of the candidate or of such of the polling agents present as are desirous of affixing the same.

(3) The presiding officer shall thereafter fix the paper seal so signed in the space meant therefor in the ballot-box and shall then secure and seal the box in such manner that the slit for the insertion of ballot paper thereinto remains open.

(4) The seal used for securing a ballot-box shall be affixed in such manner that after the box has been closed it is not possible to open it without breaking the seal.

(5) Where it is not necessary to use paper seal for securing the ballot-box, the presiding officer shall secure and seal the ballot-box in such manner that the slit for the insertion of ballot papers remains open and shall allow the candidates for the polling agents present to affix, if they so desire, their seals.

(6) Every ballot-box used at a polling station shall bear labels, both inside and outside, marked with—

(a) the serial number, if any, and name of the constituency;

(b) the serial number and name of the polling station;

(c) the serial number of the ballot-box (to be filled in at the end of the poll on the label outside the ballot-box only); and

(d) the date of poll.

(7) Immediately before the commencement of the poll, the presiding officer shall demonstrate to the candidates and polling agents and other persons present that the ballot-box is empty and bears the labels referred to in sub-rule (6).

(8) The ballot-box shall then be closed, sealed and secured and placed in full view of the presiding officer, the candidates and the polling agents.

Facilities
for woman
electors.

53. (1) Where a polling station is for both men and women electors, the presiding officer may direct that they shall be admitted into the polling station alternately in separate batches.

(2) The presiding officer may appoint a woman to serve as an attendant at any polling station to assist women electors and also to assist the presid-

ing officer generally in taking the poll in respect of women electors and in particular, to help in searching any woman elector in case it becomes necessary.

54. (1) Every ballot paper shall be in Form 26 and the particulars therein shall be in Hindi Devnagri Script.

Form of
ballot
paper.

(2) The names of the candidates shall be arranged on the ballot paper in the same order in which they appear in the list of contesting candidates.

(3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation, residence or in some other manner.

55. (1) Outside each polling station there shall be displayed prominently—

Arrange-
ment at pol-
ling sta-
tions.

(a) a notice specifying the polling area the electors of which are entitled to vote at the polling station or where the polling station has more than one polling booth, at each one of such booths or the description of the electors allotted to any such booth; and

(b) another notice giving the name of each candidate in the same language or languages and in the same order in which the names of such candidates appear in the list of contesting candidates at the election published under rule 40 together with the description of the symbol which has been assigned to each such candidate under rule 41.

(2) At each polling stations, there shall be set up two or more compartments in which electors can record their votes screened from observation.

(3) The Deputy Commissioner shall provide at each polling station a sufficient number of ballot boxes, copies of the relevant part of the electoral roll, the ballot papers, instruments for stamping the distinguishing marks on ballot papers and other articles necessary for the conduct of poll.

56. (1) The presiding officer shall be responsible to start the poll exact at the time mentioned in the notice of election and before starting the poll he shall bring to the notice, of all who are present in the polling compartment; the provisions of section 272 of the Himachal Pradesh Municipal Act, 1968. The provisions of this section are as under:—

Starting of
poll.

“(i) Every officer, clerk, agent or other person who performs any duties in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(ii) Any person who wilfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding three months, or with fine, or with both”.

(2) The presiding officer shall also demonstrate to the polling agents and others present that the marked copy of the electoral roll to be used during the poll does not contain any entry regarding No. of ballot papers etc.

57. The presiding officer shall regulate the number of electors to be admitted at any one time inside the polling station and shall exclude therefrom all persons other than—

Admission
to polling
station.

(a) polling officers;

(b) candidates, their agents;

(c) persons authorised by the Deputy Commissioner;

- (d) public servants on duty in connection with the election;
- (e) a child in arms accompanying a blind or infirm elector who cannot move without help;
- (f) such other person as the Deputy Commissioner or the presiding officer may employ under sub-rule (2) of rule 53 or sub-rule (1) of rule 58; and
- (g) Director of Elections (Local Bodies), or such other persons as may be authorised by him.

Identification of electors.

58. (1) The presiding officer may employ at the polling station such number of persons as he thinks fit to help in the identification of electors, or to assist him otherwise in taking the poll.

(2) As each elector enters the polling station, the presiding officer or the polling officer authorised by him in this behalf shall check the elector's name and the other particulars with the relevant entries in the electoral roll and then call out the serial number, name and other particulars of the elector.

(3) In deciding the right of a person to obtain a ballot paper the presiding officer or the polling officer, as the case may be, shall overlook merely clerical or printing errors in an entry in the electoral roll, if he is satisfied that such person is identical with the elector to whom such entry relates.

Procedure for preventing personation of electors.

59. (1) Subject to the other provisions of this rule, every elector who applied for a ballot paper for the purpose of voting at a polling station shall, before receiving such ballot paper, allow—

- (a) the inspection of his left fore-finger to the presiding officer or any polling officer; and
- (b) any indelible ink mark to be put on his left fore-finger.

(2) If any such elector—

- (a) refuses to allow such inspection of his left-fore-finger; or
- (b) persists in doing any act with a view to removing such mark after it has been put,

he shall not be entitled to be supplied with any ballot paper or to record his vote at the election.

(3) No person who already has a mark on his left fore-finger at the time he enters the polling station shall be supplied any ballot paper, and if any such person applies for a ballot paper he shall be liable to be arrested and prosecuted for personation.

(4) Any reference in this rule to the left fore-finger of an elector shall, where the elector has his left fore-finger missing, be construed as a reference to any other finger of his left hand and shall, in the case where all the fingers of his left hand are missing, be construed as a reference to the fore-finger or any other finger of his right hand, and shall in the case where all his fingers of both the hands are missing, be construed as a reference to such extremity of his left or right arm as he possesses.

Voting procedure.

60. (1) The elector on entering the polling station shall first allow his left fore-finger to be inspected by a polling officer for the purpose of ascertaining if he already has any mark of indelible ink on that finger. If there is no such mark, the polling officer in charge of the electoral roll shall ascertain the elector's name and address and such other particulars as appear on the roll and after having satisfied himself about the identity of the elector, the presiding officer or the polling officer, as the case may be shall put in indelible ink mark to his left fore-finger and then shall be supplied with a ballot paper. The presiding officer or the polling officer, as the case may be,

shall at the time of delivery of the ballot paper, place at the serial number of the elector in the marked copy of the electoral roll the serial number of the ballot paper against the entry relating to the elector.

(2) Every ballot paper shall before issue to an elector be stamped with such distinguishing mark as the Director of Elections (Local Bodies) may direct.

(3) Save as provided in sub-rule (1), no person in the polling station shall note down the serial number of the ballot papers issued to particular electors.

(4) At any time before a ballot paper is delivered to an elector, the presiding officer or a polling officer may of his own accord if he has reason to doubt the identity of the elector or his right to vote at the polling station, and shall, if so required by a candidate or his polling agent, put to the elector the following questions—

(a) are you the person enrolled as follows (reading the whole entry relating to the elector from the roll)?

(b) have you already voted at the present election?

(c) such other questions as he may deem fit or necessary; and the elector shall not be supplied with a ballot paper unless he answers the first question in the affirmative and the second question in the negative or he refuses to answer any other question put to him in pursuance of this rule.

(5) The elector on receiving the ballot paper shall forthwith—

(a) proceed to one of the voting compartments;

(b) make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to vote;

(c) fold the ballot paper so as to conceal his vote;

(d) if so required, show to the presiding officer the distinguishing mark on the ballot paper;

(e) insert the folded ballot paper into the ballot box; and

(f) quit the polling station.

(6) Every elector shall vote without undue delay.

(7) No elector shall be allowed to enter a compartment when another elector is inside it.

61. If the presiding officer is satisfied that owing to blindness or other physical infirmity an elector is unable to recognise the symbols on the ballot paper or to make a mark thereon without assistance, the presiding officer shall permit the elector to take with him a companion of not less than twenty-one years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes, and, if necessary, for folding the ballot paper so as to conceal the vote and inserting it into the ballot box:

Recording of votes blind or firm electors.

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day:

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule, the person shall be required to declare in Form 27 that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any polling station on that day.

(2) The presiding officer shall keep record in Form 28 of all cases under this rule.

Spoilt and
returned
ballot pa-
pers.

62. (1) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the presiding officer and on satisfying him of the inadvertence, be given another ballot paper, and the ballot paper so returned shall be marked "Spoilt: cancelled" by the presiding officer.

(2) If an elector after obtaining a ballot paper decides not to use it, he shall return it to the presiding officer, and the ballot paper so returned shall be marked as "Returned: cancelled" by the presiding officer.

(3) All ballot papers cancelled under sub-rule (1) or sub-rule (2) shall be kept in a separate packet.

Tendered
votes.

63. (1) If a person representing himself to be a particular elector applies for a ballot paper after another person has already voted as such elector, he shall on satisfactorily answering such questions relating to his identity as the presiding officer may ask, be entitled subject to the following provisions of this rule to make a ballot paper (hereinafter in these rules referred to as a "tendered ballot paper") in the same manner as any other elector.

(2) Every such person shall, before being supplied with a tendered ballot paper, sign his name against the entry relating to him in the list in Form 29.

(3) A tendered ballot paper shall be the same as other ballot papers used at the polling except that it shall be—

(a) serially the last in the bundle of ballot papers issued for use at the polling station; and

(b) endorsed on the back with the words "tendered ballot paper" by the presiding officer in his own hand and signed by him.

(4) The elector, after marking tendered ballot paper in the voting compartment and folding it, shall, instead of putting it into the ballot-box, give it to the presiding officer, who shall place it in a cover specially kept for the purpose.

Challenged
votes.

64. (1) If any candidate or his agent declares and undertakes to prove, that any person by applying for ballot paper has committed the offence of personation, the presiding officer may require such person to state his name and address and shall then enter such name and address in the list of challenged votes in Form 30, and shall require such person to sign such entry or, if he is unable to write, to affix his thumb impression thereto and the presiding officer shall sign his name across such impression and may further require such person to produce evidence of identification:

Provided that no action shall be taken by the presiding officer under this sub-rule unless a sum of ten rupees has been deposited in cash with the presiding officer by the candidate or such agent for each challenge he makes.

(2) If the person so challenged refuses to comply with such requisition he shall not be permitted to vote. But if such person does so comply and on being questioned in the manner provided in rule 60 answers the first question in the affirmative and the second question in the negative and replies satisfactorily to any other question put to him in pursuance of that rule, and if having been required to produce evidence of identification he produces evidence which the presiding officer considers satisfactory, he shall be allowed to vote after he has been informed of the penalty for personation.

(3) If the presiding officer after such inquiry on the spot as he thinks necessary, is of the opinion that the challenge made by the candidate or his

polling agent under sub-rule (1) is frivolous and has not been made in good faith, he shall direct the deposit made under sub-rule (1) to be forfeited to the Himachal Pradesh Government and his order in this respect shall be final.

(4) If the deposit made under sub-rule (1) is not forfeited under rule (3), it shall be returned to the person by whom it was made after the close of the poll on the day on which it is made.

(5) The presiding officer shall in every case, whether or not the person challenged is allowed to vote, make a note of the circumstances in the list of Challenged Votes in Form 30.

65. (1) The presiding officer shall close a polling station at the hour fixed in that behalf under rule 46 and shall not admit thereto any elector after that hour:

Closing of poll.

Provided that all electors present within the polling station before it is closed shall be entitled to cast their votes.

(2) Any question that may arise as to whether an elector shall, for the purpose of the proviso to sub-rule (1), be deemed to be present within the polling station before it is closed, shall be decided by the presiding officer whose decision shall be final.

66. (1) As soon as practicable after the closing of the poll, the presiding officer shall close the slit of the ballot-box, and where the box does not contain any mechanical device for closing the slit, he shall seal up the slit and also allow any polling agent present to affix his seal.

Sealing of ballot-boxes after poll.

(2) The ballot-box shall thereafter be sealed and secured.

(3) Where it becomes necessary to use a second ballot-box by reason of the first ballot-box getting full, the first box shall be closed, sealed and secured as provided in sub-rules (1) and (2) before another ballot-box is put into use.

67. The presiding officer shall at the close of the poll prepare a ballot paper account in Form 31 and enclose it in a separate cover with the words "Ballot Paper Account" superscribed thereon.

Account of ballot papers.

68. (1) The presiding officer shall then make into separate packets—

Sealing of other packets.

(a) the marked copy of the electoral roll;

(b) the unused ballot papers;

(c) the cancelled ballot papers;

(d) the cover containing the tendered ballot papers and the list in Form 29;

(e) the list of challenged votes in Form 30;

(f) paper seal account in Form 32 in case paper seal is used; and

(g) any other papers directed by the Deputy Commissioner to be kept in a sealed packet.

(2) Each such packet shall be sealed with the seals of the presiding officer and those agents present who may desire to affix their seals thereon.

69. (1) The presiding officer shall then deliver or cause to be delivered to the Deputy Commissioner at such place as the Deputy Commissioner may direct—

Transmission of ballot-boxes etc. to the Deputy Commissioner.

(a) the ballot-boxes as referred to in rule 66;

(b) the ballot paper account as referred to in rule 67;

(c) the sealed packets referred to in rule 68; and

(d) all other papers used at the poll.

(2) The Deputy Commissioner shall make adequate arrangements for their safe custody until the commencement of the counting of votes.

PART IV

Admission
to the place
for count-
ing.

70. (1) The Deputy Commissioner shall exclude from the place fixed for the counting of votes under rule 32, all persons except—

- (a) such persons as he may appoint to assist him in the counting;
- (b) every candidate and his agents;
- (c) public servants on duty; and
- (d) Director of Elections (Local Bodies) or any other person authorised by him.

(2) No person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election shall be appointed under clause (a) of sub-rule (1).

(3) Any person who during the counting of votes misconducts himself or fails to obey the lawful directions of the Deputy Commissioner may be removed from the place where the votes are being counted by the Deputy Commissioner or by any police officer on duty or by any person authorised in this behalf by the Deputy Commissioner:

Provided that the total number of agents of a candidate should not exceed the number of counting tables fixed for the counting of votes of the constituency plus one more for the table of the Deputy Commissioner.

Scrutiny
and open-
ing of ballot
boxes.

71. (1) The Deputy Commissioner shall on the date and at the time and place fixed under rule 32, before he commences the counting, read out the provisions of section 272 of the Act to such persons as may be present.

(2) He shall then deal with the ballot-boxes in the following manner, namely:—

- (a) all the ballot-boxes used at a polling station shall be opened at the same time;
- (b) before any box is opened at the counting table the candidates or their agents shall be allowed to inspect the paper seal or such other seals, as might have been fixed thereon and to satisfy themselves that it is intact;
- (c) the Deputy Commissioner shall satisfy himself that none of the ballot-boxes has in fact been tampered with; and
- (d) if the Deputy Commissioner is satisfied that any ballot-box has in fact been tampered with, he shall not count the ballot papers in that box and shall follow the procedure laid down in rule 48 in respect of that polling station.

72. (1) The ballot papers taken out of each ballot-box shall be arranged in convenient bundles and scrutinized.

(2) The Deputy Commissioner shall reject a ballot paper—

- (a) if votes are given on it in favour of more than one candidate; or
- (b) if it bears any mark or writing by which the elector can be identified; or
- (c) if no vote is recorded thereon; or
- (d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given: or

Scrutiny
and re-
jection of bal-
lot paper.

- (e) if it is spurious ballot paper; or
- (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (g) if it bears a serial number, or is of a design, different from the serial numbers or, as the case may be, design of ballot papers authorised for use at the polling station; or
- (h) if it does not bear the mark which it should have borne under the provisions of sub-rule (2) of rule 60:

Provided that where the Deputy Commissioner is satisfied that any such defect as is mentioned in clause (g) and (h) has been caused by any mistake or failure on the part of a presiding officer or polling officer, the ballot paper shall not be rejected merely on the ground of such defect:

Provided further that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) Before rejecting any ballot paper under sub-rule (2), the Deputy Commissioner shall allow each counting agent present, a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) The Deputy Commissioner shall record on every ballot paper which he rejects, the letter "R" and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp.

(5) All ballot papers rejected under this rule shall be bundled together.

73. (1) Every ballot paper or, as the case may be, every vote which is not rejected under rule 72 shall be deemed to be valid and shall be counted after being sorted out candidate-wise:

Counting
of votes
and ballot
papers.

Provided that no packet containing tendered ballot papers shall be opened and no such ballot papers shall be counted.

(2) After the counting of all ballot papers or as the case may be, all valid votes recorded on ballot papers, used at a polling station has been completed, the Deputy Commissioner shall make the entries in a result sheet in Form 33 and announce the particulars.

(3) All valid ballot papers shall thereafter be bundled candidate-wise together and kept along with the bundle of rejected ballot papers in a separate packet which shall be sealed and on which shall be recorded the following particulars, namely:—

- (a) the name of the constituency;
- (b) the particulars of the polling station where the ballot papers have been used; and
- (c) the date of counting.

74. (1) If a fresh poll is held under rule 48 the Deputy Commissioner shall, after completion of that poll, recommence the counting of votes on the date and at the time and place which have been fixed by him in that behalf and of which notice has previously been given to the candidates and their agents.

Recommen-
cement of
counting
after fresh
poll.

(2) The provisions of rules 72 and 73 shall apply so far may be to such further counting.

Declaration
of results
and
procedure
in case of
a tie.

75. When the counting of votes has been completed, the Deputy Commissioner or any other officer appointed by him in this behalf shall forthwith declare the result in Form 34 in the following manner:—

- (a) the candidate who is found to have obtained the largest number of valid votes shall be declared to have been elected; and
- (b) if, after the counting of votes tie is found to exist between any candidates, and the addition of one vote will entitle any of these candidate to be declared elected, that shall forthwith be decided between those candidates by lot, and the candidate on whom the lot falls shall be considered to have received an additional vote and shall be declared to be duly elected,

Preparation
of return.

76. When counting of votes has been completed and the result has been declared under rule 75 the Deputy Commissioner or any other officer appointed by him in this behalf shall forthwith prepare a return in Form 35 and shall forthwith paste a copy of the same in a conspicuous place at his office. The Deputy Commissioner within 30 days after the date of election shall notify the names under section 23 (1) of the Himachal Pradesh Municipal Act, 1968 of the elected candidates together with the names deemed to have been elected under the provisions of rule 45 and send a copy of the same to the Director of Elections (Local Bodies). One copy of the return prepared in Form 35 may also be sent to the Director of Elections (Local Bodies) immediately after the declaration of the result.

Election to
more than
one seat.

77. If a person is elected to more than one seat, then unless within three days from the date of issue of notification of election under sub-section(1) of section 23 of the Act, he resigns all but one of the seats by writing under his hand addressed to the State Government all the seats shall become vacant.

Custody of
papers rela-
ting to elec-
tions.

78. The Deputy Commissioner shall retain the packets of unused ballot papers, the packets of used ballot papers whether valid, tendered or rejected and all other papers relating to the elections in safe custody until the expiry of one year from the date of publication of the result of election.

Production
and inspec-
tion of elec-
tion papers.

79. (1) While in the custody of the Deputy Commissioner—

- (a) the packets of unused ballot papers;
- (b) the packets of used ballot papers whether valid, tendered or rejected; and

(c) the packets of marked copy of the electoral roll;
shall not be opened and their contents shall not be inspected by, or produced before, any person or authority except under the order of the competent court or the State Government.

(2) All other papers relating to the election shall be opened to public inspection and any person may apply for such an inspection or supply of certified copy thereof on payment of a fee at the same rate as is charged in Himachal Pradesh for the inspection of documents forming part of a record of a case dealt with by a Revenue Officer or for supply of a copy of an order by a Revenue Officer, as the case may be, and such copies shall be supplied in accordance with the procedure to be followed for a similar application in respect of a case dealt with by a Revenue Officer.

Disposal of
election
papers.

80. Subject to any directions to the contrary given by a competent court or the State Government the packets and other papers referred to in rule 78 shall be disposed of after the expiry of the period referred to in the rule aforesaid in such a manner as the Deputy Commissioner may deem fit:

Provided that if an election petition is filed in a Competent court, the packets and other papers referred to in the rule shall not be destroyed unless the petition is finally disposed of.

81. When a vacancy occurs among the elected members of a committee by death, resignation or removal of any member and a new member has to be elected in his place in accordance with the provisions of sub-section (1) or sub-section (2) of section 16 of the Act, such election shall be conducted in the manner as prescribed in these rules for a general election and the programme of the election shall be framed as soon as may be convenient, after the occurrence of the vacancy.

Casual vacancies in the committees.

82. If any question arises regarding the interpretation of these rules otherwise than in connection with an election petition which has actually been presented, it shall be referred to the Director of Election (Local Bodies), Himachal Pradesh who, if he thinks fit, may refer it to the State Government whose decision shall be final.

Final authority for interpretation of these rules.

PART VI

83. (1) No election of a President or Vice-President of a Committee shall be held at a meeting unless not less than forty-eight hour's notice of holding of such meeting has been given to all the members of the Committee by its delivery, at their ordinary place, residence, which shall specify that such election is to take place at the meeting in question.

Election of President or Vice-President.

(2) The person or persons elected shall, subject, in the case of election of a President, to the provisions of sub-section (1) of section 19 of the Act, assume office from the date of election.

84. (1) Voting for the office of President or Vice-President shall be by ballot.

Method of electing President and Vice-President.

(2) If only one candidate for the office is proposed, the Chairman shall declare such a candidate as elected to fill the seat of President or Vice-President, as the case may be.

(3) If there are two or more candidates, a poll shall be held.

(4) Ballot papers to be used at election of President or Vice-President shall be in Form 36 and the particulars therein shall be in Hindi in Devnagri Script.

(5) The procedure of voting at such election shall be as under:—

(a) before issuing the ballot papers to the members the Chairman shall put his signatures on the back of the same in token of distinguishing mark;

(b) the member on receipt of the ballot paper shall make a cross mark (X) against the name of the candidate for whom he intends to vote;

(c) fold the ballot paper so as to conceal his vote; and

(d) insert the folded ballot paper into the ballot-box kept for the purpose in front of the Chairman.

(6) After polling is over, the Chairman shall open the ballot-box and shall count votes in presence of the members. The provisions of rules 72 and 73 shall apply as far as may be, to such counting.

(7) A candidate obtaining more votes than any other shall be deemed to be elected:

Provided that if, after the counting of votes tie is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, that shall forthwith be decided between those candidates by lot, and the candidate on whom the lot falls shall be considered to have received an additional vote and shall be declared to be duly elected.

(8) All ballot papers used for such voting shall be enclosed in a stout envelope and sealed by the Chairman in full view of the members present thereat and the description of the election to which the ballot paper relates, shall be inscribed thereon, and such envelope shall be enclosed in another large envelope which shall be addressed to the Deputy Commissioner and delivered to him with the return of election in Form 37. The Deputy Commissioner shall preserve the inner envelope intact until the expiry of one year from the date of election and shall then subject to any direction to the contrary made by the State Government, or a competent court or a person or persons appointed to hold an enquiry into an election under Part VII of these rules, cause it to be destroyed with its contents.

(9) The Deputy Commissioner shall forward the return of the election to the State Government for information and record and shall also issue the notification of election and appointment as required under sub-section (1) of section 23 of the Act.

Casual
vacancies
of President
or Vice-President.

85. When a vacancy occurs by death, resignation or removal of the President or Vice-President, and a new President or Vice-President is to be elected in his place, such election shall be conducted in the manner prescribed in the rule for the election of the President or Vice-President.

PART VII

Definitions.

86. In this part unless there is anything repugnant in the subject or the context,—

(a) "corrupt practice" means—

(1) Bribery, that is to say, any gift, offer or promise by a candidate or his agent or by any other person with the connivance of a candidate or his agent, of any gratification to any person, whosoever, with the object, directly or indirectly, of inducing—

(a) a person to stand or not to stand as, or to withdraw from being, a candidate at an election; or

(b) an elector to vote or refrain from voting at an election, or as a reward to—

(i) a person for having stood or not stood, or for having withdrawn his candidature; or

(ii) as elector for having voted or refrained from voting.

Explanation.—For the purposes of this clause the term "gratification" is not restricted to pecuniary gratification or gratifications estimable in money and it includes all forms of employment for reward, but it does not include the payment of any expenses *bona fide* incurred at, or for the purpose of, any election.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of the candidate or his agent, with the free exercise of any electoral right:

Provided that—

(a) without prejudice to the generality of the provisions of this clause, any such person as is referred to therein who—

- (i) threatens any candidate, or any elector, or any person in whom a candidate or any elector is interested with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or
- (ii) induces or attempts to induce a candidate or any elector to believe that he or any person in whom he is interested, will become or will be rendered, an object of divine displeasure or spiritual censure, shall be deemed to interfere with the free exercise of the electoral right of such candidate or elector within the meaning of this clause;
- (b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be an interference within the meaning of this clause.

(3) The procuring or abetting or attempting to procure by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, the application by a person for a ballot paper in the name of any other person, whether living or dead or in a fictitious name, or by a person for a ballot paper in his own name, when, by reason of the fact that he has already voted in the same or some other constituency he is not entitled to vote.

(4) The publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, or any statement of the fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature or withdrawal of any candidate being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(5) The removal of ballot paper from the polling station during polling hours by a candidate or his agent, or by any other person with the connivance of a candidate or his agent.

(6) The hiring or procuring, whether on payment or otherwise, of any vehicle or vessel by a candidate or his agent or by any other person with the connivance of a candidate or his agent for the conveyance of any elector (other than the candidate himself, the members of his family or his agent) to or from any polling station:

Provided that the hiring of a vehicle or vessel by an elector or by several electors at their joint costs for the purpose of conveying him or them to or from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power:

Provided further that the use of any public transport vehicle or vessel or railway carriage by any elector at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

Explanation.—In this clause, the expression vehicle means any vehicle used or capable of being used for the purpose of road transport, whether

(3) All applications for the refund of a deposit shall be made to the Deputy Commissioner who shall pass orders thereon in accordance with these rules.

91. The Deputy Commissioner shall forward every election petition received by him under rule 88 to the State Government along with his report.

92. If any of the provisions of sub-rule (1) of rule 88 or rule 90 have not been complied with, the State Government shall pass an order dismissing the election petition and such orders shall be final.

93. (1) If the election petition is not dismissed under rule 92, the State Government shall appoint a person or persons, hereinafter referred to as the Commission to hold an enquiry into the allegations made in the election petition.

(2) The State Government may appoint a person by name or any office to be a Commission under this rule and if a person is appointed by virtue of his office the person for the time being holding the office shall be the Commission unless the State Government shall otherwise direct.

(3) If a vacancy occurs in a Commission by reason of a death, transfer, resignation or any other cause, the State Government may make a fresh appointment as provided by clause (2) of this rule.

(4) If on the application of any party to an election petition, State Government is satisfied that there are reasonable grounds for the transfer of a case from the Commission appointed to hear the election petition, he may make a fresh appointment as provided by sub-rule (2) above.

(5) A change of incumbency in the Commission whether by reason of death, transfer, resignation or any other cause shall not invalidate any previous or subsequent, proceedings in any matter pending before it, nor shall it be necessary for a Commission on account of such change to recommence any enquiry into any matter pending before it for disposal.

(6) The Commission shall cause to be served on each respondent, a notice of the presentation of the petition, together with a copy of the petition, and shall summon each respondent and in his presence or if he fails to be present in person or by counsel after summons has been duly served upon him or in his absence shall make an enquiry regarding the corrupt practices or irregularities alleged to have been committed.

94. (1) The enquiry shall be held in place to which the public have free access and notice of the time and place of enquiry shall be given to the parties not less than seven days before the first day of the enquiry.

(2) The place of enquiry shall be within the municipality; provided that the Commission may on being satisfied that special circumstances exist rendering it desirable that the enquiry should be held elsewhere, appoint some other convenient place for the enquiry.

(3) Subject to the provision of these rules every election petition shall be enquired into as nearly as may be in accordance with the procedure applicable under the Code of Civil Procedure, 1908, to the trial of suits; provided that if the Commission consists of more than one person it shall only be necessary for it to make or cause to be made a memoranda of the substance of the evidence of any witness and provided further that a

Commission may dismiss an election petition for default.

(4) Every election petition shall be tried as expeditiously as possible and endeavour shall be made to conclude the report within six months from the date on which the election petition is received by the Commission for Inquiry.

95. (1) An election petition may be withdrawn only by leave of the Commission or if an application for withdrawal is made before any Commission has been appointed, by the State Government.

Withdrawal
of petition.

(2) If there are more petitioners than one, no application to withdraw a petition shall be made except with the consent of all the petitioners.

(3) When an application for withdrawal is made to the Commission notice thereof fixing a date for the hearing of the application shall be given to all other parties to the petition and shall be published by being posted at the office of the Deputy Commissioner and at the municipal office.

(4) No application for withdrawal shall be granted if in the opinion of the State Government or of the Commission, as the case may be, such application has been induced by any bargain or consideration which ought not be allowed.

(5) If the application is granted—

(a) the petitioner shall where the application has been made to the Commission be ordered to pay the costs of the respondent there to fore incurred or such portion thereof as the Commission may think fit;

(b) notice of the withdrawal shall be published by being posted at the office of the Deputy Commissioner and at the municipal office;

(c) any person who might himself have been a petitionery may, within fourteen days from the date of such publication, apply to be substituted as petitioner in place of the party withdrawing and upon compliance with the conditions of rule 90 as to the security, shall be entitled to be so substituted and to continue the proceedings upon such terms as the State Government or the Commission may think fit.

(6) When an election petition is allowed by the Commission to be withdrawn the file of the proceedings shall be forwarded to the State Government for information.

96. (1) An election petition shall abate only on the death of a sole petitioner of the survivor of several petitioners.

Abatement
or substitution
on
death of
Petitioner.

(2) Notice of the abatement of an election petitioner shall be published by the Commission or, if the petition abates before the Commission has been appointed, by the State Government by being posted at the office of the Deputy Commissioner and at the municipal office.

(3) Any person who might himself have been a petitioner, may, within fourteen days from the date of such publication, apply to be substituted as petitioner, upon compliance with the condition of rule 90 as to security shall be entitled to be so substituted and to continue the proceedings upon such terms as the State Government or the Commission, as the case may be, may think fit.

Abatement
or substitution
on death
of respondent.

97. If before the conclusion of the trial of an election petition the respondent dies or gives notice that he does not intend to oppose the petition the Commission shall cause notice of such event to be published by being posted at the office of the Deputy Commissioner and at the municipal office, and thereupon any person who might have been a petitioner may, within fourteen days from the date of such publication, apply to be substituted for such respondent to oppose the petition and shall be entitled to continue the proceedings upon such terms as the Commission may think fit.

Grounds
for declaring
election
void.

98. Save as hereinafter provided in these rules if in the opinion of the Commission—

- (a) the election of a returned candidate has been procured, or induced or the result of the election has been materially affected, by a corrupt practice; or
- (b) any corrupt practice specified in sub-clause (i), (2), (3) or (4) of clause (a) of rule 86 has been committed; or
- (c) there has been any material irregularity; or
- (d) the election has not been a free election by reason of the large number of cases in which the corrupt practices specified in sub-clause (1) or (2) of clause (a) or rule 86 have been committed by a candidate or an agent of a candidate or a person acting with the connivance of a candidate or such agent or any person who is not a candidate or an agent of such candidate or a person acting with the connivance of a candidate or such agent;

the Commission shall report that the election of the returned candidate shall be deemed to be void.

(2) If the Commission reports that a returned candidate has been guilty by an agent of any corrupt practice which does not amount to any form of bribery other than treating as hereinafter explained or to the procuring or abetment of personation, and if the Commission further reports that the candidate has satisfied it that—

- (a) no corrupt practice was committed at such election by the candidate and the corrupt practices mentioned in the report were committed contrary to the orders and without the sanction or connivance of such candidate; and
- (b) such candidate took all reasonable means for preventing the commission of corrupt practices at such election; and
- (c) the corrupt practices mentioned in the said report were of a trivial, unimportant and limited character and did not materially affect the result of the election; and
- (d) in all other respects the election was free from any corrupt practice on the part of such candidate then Commission may report that the election of such candidate should not be deemed to be void.

Explanation.—For the purpose of this sub-rule “treating” means the incurring in whole or in part by any person of the expense of giving or providing any food, drink, entertainment or provision to any person with the object directly or indirectly of inducing him or any other person to vote or refrain from voting or as a reward for having voted or refrained from voting.

99. (1) At the conclusion of the enquiry the Commission shall report whether the returned candidate has in its opinion been duly elected, and in so reporting shall have regard to the provisions of rule 98.

(2) The reasonable expenses incurred by any person in attending to give evidence may be allowed by the Commission to such person, and shall

Report of
Commission
and
procedure
thereon.

unless the Commission otherwise directs, be deemed to be part of the costs.

(3) The report of the Commission shall contain a definite finding regarding the amount of the costs that should, in the opinion of the Commission, be allowed and the parties by whom and to whom such costs should be paid and such particulars of the amount assessed as costs as are prescribed in the case of civil suits, shall be either specified in the Commission's report or attached to the report, in the form of a memorandum and the Commission may recommend that interest on cost at a rate not exceeding six per cent per annum may be allowed and such interest may be added to costs.

(4) Before submitting the report the Commission shall fix a date for the presence of the parties or their agents, and shall announce the substance of the report including the findings on the question of costs to such of the parties or their agents as may be present on that date.

100. Where any charge is made in an election petition of any corrupt practice, the Commission shall record in its report—

Findings as to corrupt practice and persons guilty.

(a) a finding whether a corrupt practice has or has not been proved to have been committed by any candidate or any agent of a candidate or with the connivance of any candidate or any such agent and the nature of such corrupt practice; and

(b) the names of all persons if any who have been proved at the inquiry to have been guilty of any corrupt practice and the nature of such corrupt practice with any such recommendations as the Commission may desire to make for the exemption of any such persons from any disqualifications to which they may have become liable in this connection under these rules:

Provided that no person shall be named in the report unless he has been given a reasonable opportunity of showing cause why his name should not be so recorded.

Note.—The procedure for the submission of the report by the Commission and the passing of orders thereon is prescribed in sections 259 and 270 of the Act.

101. If, as a result of an enquiry, it is established to the satisfaction of the State Government, that any person has been guilty of a corrupt practice other than a corrupt practice of the description referred to in sub-rule (2) of rule 98 and committed in circumstances in which the Commission may under the provisions of the said sub-rule find that an election should not be deemed to be void, the State Government may declare that such person shall be incapable of being elected or nominated to membership or to any office whether honorary or paid of any Municipal Committee for a period which may extend to five years:

Persons guilty of corrupt practice may be declared ineligible for municipal office.

Provided that the period of disqualification fixed under this rule by any order of the State Government may be reduced by order of the State Government.

102. The State Government may remand any case for further enquiry to the Commission.

Power to remand for further enquiry.

103. The State Government may of its own motion direct an enquiry to be held into the conduct of any election if there is reason to suspect that a corrupt practice or material irregularity has been committed and the case shall be dealt with so far as may be in the manner prescribed in these rules.

Power of State Government to order an enquiry.

Fresh election to be held if an election is declared void.

104. When as a result of an inquiry under these rules the election of a candidate is declared void, the State Government, shall direct that a new election shall be held:

Provided that if the State Government has found that there has been a mistake in the counting of votes or in the declaration of invalid votes, and that but for that mistake some other candidate would have been declared successful, the State Government may, instead of directing that a new election shall be held, declare that the candidate found to have obtained the largest number of valid votes shall be deemed to have been elected.

PART VIII

Repeal and savings.

105. (1) The Municipal Election Rules, 1952 as in force in the territories transferred to Himachal Pradesh under section 5 of the Re-organisation Act, 1966, and the Himachal Pradesh Municipal Election Rules, 1963 as in force in areas comprise in Himachal Pradesh immediately before 1st November, 1966, are hereby repealed; provided that—

(a) such repeal shall not affect the previous operation of the said rules, notifications and orders of anything done or any action taken thereunder; and

(b) any proceedings under the said rules, notifications or orders pending at the commencement of these rules shall be continued and disposed of as far as may be, in accordance with the provisions of these rules.

(2) Nothing in these rules shall operate to deprive any person to whom these rules apply of any right of appeal which had accrued to him under the rules, notifications or orders repealed by sub-rule (1) in respect of any order passed before the commencement of these rules.

(3) A petition pending at or preferred after the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be passed, in accordance with these rules.

FORM 1

(See rule 8)

NOTICE OF PUBLICATION OF ELECTORAL ROLL IN DRAFT

To

The Electors of Ward No.....(Constituency)
of..... Municipal Committee of.....
District, Himachal Pradesh.

Notice is hereby given that the electoral roll has been prepared in accordance with the Himachal Pradesh Municipal Election Rules, 1970, and a copy thereof is available for inspection at my office and in the office of Municipal Committee.....during office hours.

If there be any claim for the inclusion of a name in the rolls or any objection to the inclusion of a name or any objection to particulars in any entry, it should be lodged on or before the..... 197
in forms..... as may be appropriate.

Every such claim or objection should be addressed to the.....
/(Full address)Revising Authority and should
 either be presented in person or through agent or sent by post to the Revising
 Authority so as to reach him not later than the aforesaid date.

Place..... Deputy Commissioner.....
 (Address).....
 Date.....

FORM 2

[See rule 11 (1), 17 and 18]

CLAIM APPLICATION FOR INCLUSION OF NAME

To
 *The Revising Authority/Deputy Commissioner/Director of Elections
 (Local Bodies), Himachal Pradesh.
Constituency.

Sir,

I request that my name be included in the electoral roll for the above
 constituency in part No.....relating to.....

My name (in full).....

My father's/mother's/husband's name.....

Particulars of my place of residence are—

House No.....

Street/Mohalla.....

Town/Village

Post office.....

Police Station/Tehsil/Taluka.....

District.....

I hereby declare that to the best of my knowledge and belief—

- (i) that I am a citizen of India;
- (ii) that my age on the first day of January last was..... years;
 and..... months;
- (iii) that I am ordinary resident at the address given above;
- (iv) that I have not applied for the inclusion of my name in the
 electoral roll for any other constituency;
- (v) that my name has not been included in the electoral roll for
 this..... or any other.....
 constituency;

or

that my name may have included in the electoral roll for the.....
.....constituency under the address mentioned below
and, if so, I request that the same may be excluded from the elec-
toral roll.

Place.....

Date.....

Signature or thumb impression of claimant.

I am an elector included in the electoral roll of the same part in which
the claimant has applied for inclusion viz., part No..... relating
to..... my serial number therein is.....
I support this claim and countersign it.

Signature of the elector.

..... (Name in full).....

*Strike out the inappropriate words.

Note.—Any person who makes a statement or declaration which is false
and which he either knows or believes to be false or does not
believe to be true is punishable in accordance with the law in
force.

FORM 3

[See rule 11(1)]

OBJECTION TO INCLUSION OF NAME

To

*The Revising Authority/Deputy Commissioner/

.....Constituency.

Sir,

I object to the inclusion of the name of.....at
serial No..... in part.....
of the electoral roll for the following reason(s):—

.....
.....
.....

I hereby declare that the facts mentioned above are true to the best of
my knowledge and belief.

My name has been included in the electoral roll for this constituency
as follows:—

Name in full.....

Father's/husband's/mother's name.....

Serial No.....

Part No.....

.....
Signature/thumb impression of objector.

Date..... (Full postal address).....

I am an elector included in the same part of the electoral roll in which the name objected to appears, viz., part No..... relating to..... My serial number therein is.....
I support this objection and countersign it.

.....
Signature of the elector.

Name in full.....

*Strike out the inappropriate words.

Note.—Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable in accordance with the law in force.

FORM 4

[See rule 11(1) and rule 17]

OBJECTION TO PARTICULARS IN AN ENTRY

To
The Revising Authority,
.....constituency.

Sir,

I submit that the entry relating to myself which appears at serial number..... in part..... of the electoral roll as, is not correct. It should be corrected to read as follows:—

“.....”

Place.....

Date..... *Signature or thumb impression of the elector.*

FORM 5

[See rule 11 (5)]

REGISTER OF CLAIMS FOR REGISTRATION

..... Municipality..... Constituency .

Sl. No.	Class or Ward in which registration is claimed	Name, father's name and occupation of claimant	Date of presen- tation of claim, authority to whom it is presented with initials of such authority	Date of decisi- on with note to as to presen- ce of parties
1	2	3	4	5

Decision

Admitted

Rejected

Signature of
revising authority

Signature of official
by whom effect was
given to the decision
of the revising
authority and date

6

7

8

9

FORM 6

[See rule 11 (5)]

REGISTER OF OBJECTIONS TO REGISTRATION

.....Municipality.....Constituency

Person objected to be registered				Name and description of objector on roll	Date of presentation of objection, authority to whom it is presented with initials of such authority	Name of process-server by whom duplicate sent to be served on person objected to and date
Sl. No.	In class or ward	Under name of	With number roll			
1	2	3	4	5	6	7

Decision

Abstract of process-server's report and date	Date of decision with note as to presence of parties	Decision		Signature of revising authority	Signature of official by whom effect was given to the decision of the revising authority and date
		Admitted	Rejected		
8	9	10	11	12	13

FORM 7

[See rule 11 (5)]

REGISTER OF OBJECTIONS TO THE PARTICULARS IN AN ENTRY
..... Municipality..... Constituency

Sl. No.	Name of the objector	Date of presentation of objection, and authority to whom it is presented with initials of such authority	Particulars as existed in the roll	Correct particulars as requested by the objector	Decision		Signature of the Revising authority	Signature of official by whom effect was given to the decision of the revising Authority and date
					Admitted	Rejected		
1	2	3	4	5	6	7	8	9

FORM 8

[See rule 12 (1)]

LIST OF CLAIMS

Date of receipt	Serial Number	Name of claimant	Name of father/husband/mother	Place of residence	Date, time and place of hearing
1	2	3	4	5	6

FORM 9

[See rule 12 (1)]

LIST OF OBJECTIONS TO INCLUSION OF NAMES

Date of receipt	Serial Number	Full name of objector	Particulars of name objected			Reason in brief for objection	Date, time and place of hearing
			Part No.	Sl. No.	Name in full		
1	2	3	4	5	6	7	8

FORM 10
[See rule 12 (1)]

LIST OF OBJECTIONS TO PARTICULARS IN ENTRIES

Date of receipt	Serial number	Name in full of elector objecting	Part No. & serial No. of entry	Nature of objections	Date, time and place of hearing
1	2	3	4	5	6

FORM 11
[See rule 12(2)]

NOTICE OF HEARING OF CLAIM

To
(Full name and address of claimant)

Reference:—Claim No.

Take notice that your claim for the inclusion of your name in the electoral roll will be heard at (place) at O'clock on the day of 19 . You are directed to be present at the hearing with such evidence as you may like to adduce.

Place.....
Date.....

Revising Authority
..... Constituency.

FORM 12
[See rule 12(2)]

NOTICE TO THE OBJECTOR

To
(Full name and address of objector)

Reference:—Objection No.

Take notice that your objection to the inclusion of the name of. will be heard at..... (place) at..... O'clock on the..... day of....., 19 . You are directed to be present at the hearing with such evidence as you may like to adduce.

Place.....
Date.....

Revising Authority
..... Constituency.

FORM 13
[See rule 12 (3)]

To
(Full name and address of person objected to)

Reference:—Objection No.....

Take notice that the objection to the inclusion/deletion of your name at serial No..... in part.....of the electoral roll for.....constituency filed by (Full name and address of objector)

Will be heard at..... (place) at..... O'clock on the..... day of..... 19 . You are directed to be present at the hearing with such evidence as you may like to adduce.

The grounds of objection (in brief) are:—

(a)

(b)

(c)

Place.....

Date.....

Revising Authority,
.....Constituency.

FORM 14

[See rule 12 (2)]

NOTICE OF HEARING OF AN OBJECTION TO PARTICULARS IN AN ENTRY

To

(Full name and address of objector)

Reference:—Objection No.....

Take notice that your objection to certain particulars in the entry relating to you will be heard at..... (place) at..... O'clock on the..... day of..... 19 . You are directed to be present at the hearing with such evidence as you may like to adduce.

Place.....

Date.....

Revising Authority,
.....Constituency.

FORM 15

[See rule 14 (1)]

NOTICE OF FINAL PUBLICATION OF ELECTORAL ROLL

It is hereby notified for public information that the list of amendments to the draft electoral roll for ward No..... (Constituency)

of Municipal Committee..... has been prepared in accordance with the Himachal Pradesh Municipal Election Rules, 1970, and a copy of the said roll together with the said list of amendment has been published finally.

Place.....
Date.....

Deputy Commissioner,
(Address).....

FORM 16

(See rule 17)

APPLICATION FOR DELETION OF ENTRY IN ELECTORAL ROLL

To

The Deputy Commissioner/Revising Authority,
..... Constituency.

Sir,

I submit that the entry at serial No..... in part No..... of the electoral roll for the above-mentioned constituency relating to Shri*/Srimati..... son/wife/daughter of..... requires to be deleted as the said person is dead/is no longer ordinarily resident in this locality/is not entitled to be registered in the electoral roll for the following reasons:—

I hereby declare that the facts mentioned above are true to the best of my knowledge and belief.

I declare that I am an elector of this constituency being enrolled at Serial No..... in part No..... of the roll.

Detc.....
Place.....
Signature/thumb-impression of objector
(Full postal address).....

*Strike out the inappropriate words.

Note.—Any person who makes a statement or declaration which is false and which he either knows or believes to be false or does not believe to be true is punishable in accordance with the law in force.

FORM 17

[See rule 33]

NOTICE OF ELECTION

Notice is hereby given that—

(1) an election is to be held of a member(s) from Ward No. of..... Municipal Committee;

- (2) nomination papers may be delivered by a candidate or his proposer to the.....(authorised officer), at..... between 11 A.M. and 3 P.M. on any day (other than a public holiday) not later than the.....;
- (3) forms of nomination paper may be obtained at the place and time aforesaid;
- (4) the nomination papers will be taken up for scrutiny at..... on.....at.....;
- (5) notice of withdrawal of candidature may be delivered by a candidate or his proposer or his election agent, the officers specified in paragraph (2) above at his office before 3 P.M. on the.....;
- (6) the symbols to the contesting candidates shall be allotted by the..... (authorised officer) at 3.15 P.M. on the.....;
- (7) in the event of the election being contested, the poll will be taken on..... between the hours of..... and.....

Place.....
Date.....

Deputy Commissioner,
.....Constituency.

*Score out the word which is not applicable.

FORM 18

[See rule 35(2)]

NOMINATION PAPER

Election to the Municipal Committee.....
(To be filled in by the proposer)

I hereby nominate..... as a candidate for election
from..... Constituency of Municipal Committee.....

1. Full name of proposer.....
2. Number of proposer on the electoral roll of the constituency in which the candidate is a candidate for election.....
3. Name of the candidate's father/husband.....
4. Full postal address of candidate.....
5. Number of the candidate on the electoral roll of the constituency in which he is registered as an elector.....

Date.....

Signature of proposer.

(To be filled in by the candidate)

I, the above-mentioned candidate, assent to this nomination and hereby declare:—

(a) that I have completed..... years of age;

(b) that the symbols I have chosen in order of preference are:—

(i)

(ii)..... and

(iii).....

Date.....

Signature of candidate.

(Further declaration to be made by a Scheduled Caste or Scheduled Tribe candidate)

I hereby declare that I am a member of the.....caste or tribe which has been declared to be a Scheduled Caste or Tribes in Himachal Pradesh.

Date.....

Signature of candidate.

Verification by Magistrate

The above declaration is solemnly affirmed before me by..... who is personally known to me/who has been identified to my satisfaction by.....

Place.....

Date.....

Signature of verifying authority
with full designation.

FORM 19

(See rule 37)

NOTICE OF NOMINATION

Election to the Municipal Committee from the..... Constituency.
Notice is hereby given that the following nominations in respect of the above election have been received upto 3 P.M. to-day:—

Sl. No. of nomination paper	Name of candidate	Name of *father/ husband	Age of candidate	Address
1	2	3	4	5

Particulars of caste for candidates belonging to scheduled castes	Electoral roll number of candidate	Name of proposer	Electoral roll number of proposer
6	7	8	9

Place.....

Date.....

Deputy Commissioner.

*Strike off the inappropriate alternative.

(To be filled in by the Deputy Commissioner or other authorised person)

Serial No. of nomination paper.....

This nomination was delivered to me at my office at.....
(hours) on..... (date).

Date.....

Deputy Commissioner
or other authorised person.Decision of Deputy Commissioner accepting or rejecting the nomination
paperI have examined this nomination paper in accordance with the rule 38
of the Himachal Pradesh Municipal Election Rules, 1970 and decided as
follows:—

Date.....

Deputy Commissioner
or other authorised person.

The symbol assigned to the candidate is.....

Date.....

Signature of the Deputy Commissioner
or other authorised person.

FORM 20

[See rule 38 (8)]

LIST OF VALIDLY NOMINATED CANDIDATES

Election to the Municipal Committee of.....
from the..... Constituency.

Serial No.	Name of candidate	Name of *father/ husband	Address of candidate
1	2	3	4

Place.....

Date.....

Deputy Commissioner.

*Strike off the inappropriate alternative.

FORM 21

[See rule 39 (1)]

NOTICE OF WITHDRAWAL

Election to the Municipal Committee.....
..... Constituency.To
The Deputy Commissioner or other authorised person,
.....I, a candidate nominated at
the above election do hereby give notice that I withdraw my candidature.

Place.....

Date.....

Signature of candidate.

This notice was delivered to me at my office at.....
 (hour) on..... (date) by..... (name).....
 the*..... at my office at.....
 (hour) on..... (date).

*Deputy Commissioner
 or other authorised person.*

RECEIPT FOR NOTICE OF WITHDRAWAL (To be handed over to the person delivering the Notice)

The notice of withdrawal of candidature by.....
 a candidate at the election to the Municipal Committee.....
 from..... Constituency was delivered to me by the*
 at my office at..... (hour)
 on..... (date).

*Deputy Commissioner
 or other authorised person.*

*Here insert one-of the following alternatives as may be appropriate:—

- (1) Candidate.
- (2) Candidate's proposer who has been authorised in writing by the candidate to deliver it.

FORM 22

[See rule 39 (2)]

NOTICE OF WITHDRAWAL OF CANDIDATURES

Election to the Municipal Committee.....
Constituency.

Notice is hereby given that the following candidate/candidates at the above election withdrew his candidature/their candidatures to-day:—

Name of candidate 1	Address of candidate 2	Remarks 3
1.		
2.		
3.		
etc.		

Date.....

*Deputy Commissioner
 or other authorised person.*

FORM 23

[See rule 40 (1)]

LIST OF CONTESTING CANDIDATES

Election to the Municipal Committee of..... from
the..... Constituency.

Serial No.	Name of candidate	Address of candidate	Symbol allotted
1	2	3	4

Place.....

Date.....

Deputy Commissioner.

FORM 24

[See rule 42 (2)]

APPOINTMENT OF POLLING AGENT

Election to the.....

I,, a candidate at the above
election do hereby appoint..... as
polling agent to attend polling station No..... place
fixed for the poll..... at.....

Place.....

Signature of candidate.

Date.....

I agree to act as such polling agent.

Date.....

Signature of polling agent.

Place.....

Declaration of Polling Agent to be signed before Presiding Officer

I hereby declare that at the above election I will not do anything forbid-
den by Section 272 of Himachal Pradesh Municipal Act, 1968 which I have
read/has been read over to me.

Place.....

Signature of polling agent.

Date.....

Signed before me.

Date.

Presiding Officer.

FORM 25

(See rule 45)

For use in Election when seat is uncontested

DECLARATION OF THE RESULT OF ELECTION TO THE.....

In pursuance of the provisions contained in rule 45 of the Himachal Pradesh Municipal Election Rules, 1970, I declare that—

.....(Name)

.....(Address)

has been duly elected to fill a seat in the.....from the above Constituency.

Place.....

Signature.....

Date.....

Deputy Commissioner.

FORM 26

[See rule 54 (1)]

BALLOT PAPER

Municipal Committee.....

*Constituency.....

Serial No. 1	Name of candidate 2	Symbol and mark 3
-----------------	------------------------	----------------------

*In case of reserved constituency the words (Reserved) should be mentioned.

FORM 27

[See rule 61 (1)]

DECLARATION BY THE COMPANION OF BLIND OR INFIRM ELECTOR

.....Ward No. (Constituency).....

Municipal Committee serial No. and name of polling station.....

I, son of.....age..... resident of*..... hereby declare that:—

(a) I have not acted as companion of any other elector at any other polling station to-day, the.....; and

(b) I will keep secret the vote recorded by me on behalf of**.....

Signature of companion.

*Full address to be given.

**Name and electoral roll number of elector to be given.

FORM 28

[See rule 61 (2)]

LIST OF BLIND AND INFIRM VOTERS

Election to the Municipal Committee..... from
the..... Constituency.

Number and name of polling station.....

Part No. and serial No. of elector	Full name of elector	Full name of companion	Address of companion	Signature of companion
1	2	3	4	5

Date.....

Signature of Presiding Officer.

FORM 29

[See rule 63 (2)]

LIST OF TENDERED VOTES

Election to the Municipal Committee..... from
the..... Constituency.

Polling Station.....

Part number, serial number and name of elector	Address of elector	Serial number of tendered ballot paper	Serial No. of ballot paper issued to the person who has already voted	Signature or thumb impres- sion of person tendering vote
1	2	3	4	5

Date.....

Signature of Presiding Officer.

FORM 30
[See rule 64 (5)]
LIST OF CHALLENGED VOTES

Polling Station.....
Signature sheet No.....

Name of constituency	Number on electoral roll	Name and address	Signature of voter if literate, or thumb-impres- sion of voter, if illiterate	Name of identifier, if any	Order of Presiding Officer in each case
1	2	3	4	5	6

FORM 31
(See rule 67)

PART I
BALLOT PAPER ACCOUNT

Election to the Municipal Committee of
from the.....Constituency.
Number and name of polling station.....

	Serial number	Total number
1. Ballot papers received	..	
2. Ballot papers not used	..	
3. Ballot papers issued to voters	..	
4. Ballot papers cancelled	..	
5. Number of tendered votes cast at the polling station	..	

Date..... *Signature of Presiding Officer.*

PART II
RESULT OF COUNTING

Name of candidate 1	Number of valid votes cast 2
1.	
2.	
3.	
4.	
etc.	
Rejected ballot papers	
Total No. of ballot papers found in the ballot boxes.....	

Signature of Counting Supervisor.
Date..... *Signature of the Deputy Commissioner.*

FORM 32

[See rule 68 (I) (b)]

PART I

RECORD OF PAPER SEAL USED

ELECTION TO:

Ward No. (Constituency).....

Polling Station number.....

Serial number of ballot box used	Serial number of paper seal used	Remarks
1	2	3

PART II

ACCOUNT OF PAPER SEALS

Signature of polling agents.

1. Serial number of paper seals supplied.

.....to..... 1.....

2. Total numbers supplied..... 2.....

3. Number of paper seals used..... 3.....

4. Number of unused paper seals
returned to Deputy Commissioner.

(Deduct item 3 from item 2) 4.....

5. Serial number of damaged paper seals, if any. 5.....

Place.....

Signature of Presiding Officer.

Date.....

N.B.—Parts I and II are parts of the same form and should be printed on the same sheet of paper. They should not be detached from each other.

FORM 33
(See rule 73 (2))
RESULT SHEET

Election to the Municipal Committee of.....
from the.....Constituency.

Polling station		No. of		Total votes for polling station	Number of tendered votes	Remarks
Sl. No.	Name	Valid votes	Rejected votes			
1	2	3	4	5	6	7

Total votes polled.....

Place.....

Deputy Commissioner.

Date.....

FORM 34
(See rule 75)

DECLARATION OF RESULT OF ELECTION WHEN SEAT IS
CONTESTED

Election to..... Ward No.
(Constituency)..... of.....
Municipal Committee.

In pursuance of the provisions contained in rule 75 of the Himachal Pradesh Municipal Election Rules, 1970, I declare that (Name).....
..... (address).....
has been duly elected to fill the seat in the above constituency.....
of.....Municipal Committee.

Signature.....

Place.....

Deputy Commissioner
or authorised person.

Date.....

FORM 35 .

[See rule 76]

RETURN OF ELECTION

Election to the Municipal Committee of from
the Constituency.

Serial No.	Name of candidate	number of valid votes polled
1	2	3

Total number of valid votes polled

Total Number of rejected votes

Total number of tendered votes

I declare that (Name) of

(address) has been duly elected to fill the seat.

Place

Deputy Commissioner.

Date

FORM 36

[See rule 84(4)]

BALLOT PAPER (ELECTION OF PRESIDENT/VICE-PRESIDENT)

Name of Committee

Sl. No.	Name of candidate	Office to which contesting	space for marking
1	2	3	4

A

B

etc.

FORM 37

[See rule 84 (8)]

RETURN OF ELECTION OF PRESIDENT/VICE-PRESIDENT
OF..... MUNICIPAL COMMITTEE

Serial No.	Name of candidate	Number of valid votes polled
1	2	3

Total number of valid votes polled

Total number of rejected votes

I declare that (name) of

(address) has been duly elected as President/Vice-President.

Place

Date

Deputy Commissioner.

By order,

U. N. SHARMA,

*Secretary (Elections) to the
Government of Himachal Pradesh.*